HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 313 of 2005 (SS)

Ashutosh Rawat s/o Sri Tajwar Singh
Gopeshwar range, Kedarnath Wildlife Division
Gopeshwar, District Chamoli ..... Petitioner

Versus

1. State of Uttaranchal
2. District Magistrate, Chamoli
3. Upper Education Officer, District Project Officer, Sarva Shiksha Abhiyan Chamoli
4. Harish Lal, Technical Assistant (Civil) Sarv Shiksha Abhiyan, Chamoli
5. Abdul Razzak, Technical Assistant (Civil) Karanprayag, Sarva Shiksha Abhiyan, Chamoli ..... Respondents

Sri R.P. Nautiyal, Advocate for the petitioner.
Sri Pankaj Purohit, Advocate & Standing Counsel for the respondents.

Dated : 23.3.2006

Hon'ble Rajesh Tandon, J.

Heard Sri R.P. Nautiyal, Advocate for the petitioner and Sri Pankaj Purohit, Advocate & Standing Counsel for the respondents.

By the present writ petition, the petitioner has prayed for a writ of mandamus commanding the respondents authorities to give appointment to the petitioner on the post of Technical Assistant (Civil) in the office of District Project Officer, Sarva

Shiksha Abhiyan, Chamoli pursuant to advertisement dated 29.11.2004.

Briefly stated to the petitioner has passed Diploma in Civil Engineering from Government Polytechnic, Uttarkashi in the year 1996. He worked in various government Department as Junior engineer as temporary employee. The petitioner has submitted that on 29.11.2004 the District Project Officer, Sarva Shiksha Abhiyan, Chanmoli, issued an advertisement, inviting applications for appointment on two posts of Technical Assistants (Civil) in the Office of the District Project Officer, Sarva Shiksha Abhiyan, Chamoli and it was provided that the appointment is being made on contract basis and the successful candidates will be paid a consolidated honorarium of Rs.6000/- per month. The petitioner has submitted his application form and he was invited for interview on 14.1.2005. The petitioner came to know that his name was at serial no. 1 out of 25 candidates but since these two posts were reserved for scheduled caste candidates, therefore, he was not given appointment. The petitioner has submitted that he made a representation on 10.3.2005 to the respondents and has stated there is no provision for reservation of the posts under contract basis. However, reservation cannot exceed more that 50% and even then one post may be treated as unreserved.

At the time of arguments the counsel for the petitioner has informed that one candidate namely Sri Harish Lal has relinquished the job and one post is lying vacant on which the petitioner may be given appointment.

In view of above, the respondents are directed to consider the candidature of the petitioner on the vacant post of

Technical Assistant (Civil) within a month after obtaining certified copy of this order.

Subject to the aforesaid observations, writ petition is disposed of. No order as to costs.

Rajesh Tandon, J.

Dated: 23.3.2006
*Dhyani